

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
Theodore C. Max
tmax@sheppardmullin.com
30 Rockefeller Plaza
New York, New York 10112
Telephone: 212-653-8700
Facsimile: 212-653-8701

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
Jill M. Pietrini (*pro hac vice* application to be filed)
jpietrini@sheppardmullin.com
Paul A. Bost (*pro hac vice* application pending)
pbost@sheppardmullin.com
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
Tel.: 310-228-3700
Fax: 310-228-3701
Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BETWEEN THE LINES PRODUCTIONS,
LLC,

Plaintiff,

-against-

LIONS GATE ENTERTAINMENT CORP.
and SUMMIT ENTERTAINMENT, LLC,

Defendants.

Case No.: 13 Civ. 3584 (JSR)

ECF Case

**DECLARATION OF PAUL A. BOST IN
SUPPORT OF DEFENDANTS' MOTION
TO TRANSFER VENUE TO THE
CENTRAL DISTRICT OF CALIFORNIA**

I, Paul A. Bost, hereby declare pursuant to 28 U.S.C. § 1746 that:

1. I am an associate at the law firm of Sheppard Mullin Richter & Hampton, LLP (“SMRH”), counsel for defendants Lions Gate Entertainment Corp. (“Lions Gate”) and Summit Entertainment, LLC (“Summit”) (collectively, “Defendants”). I make the following statements based on personal knowledge of the facts set forth herein and in support of Defendants’ motion to transfer venue to the Central District of California.

2. On June 27, 2012, Jill M. Pietrini, a partner at SMRH, sent, on Summit's behalf, a cease and desist letter to John Gearries, who, on information and belief, is one of the owners and members of plaintiff Between the Lines Productions, LLC ("Plaintiff"). Ms. Pietrini's letter demanded that Plaintiff cease its infringement of Summit's intellectual property by its promotion of a motion picture entitled *TwiHarder* ("Plaintiff's Motion Picture") and sale of merchandise related thereto. Ms. Pietrini is located in SMRH's office in Century City, California.

3. On July 12, 2012, our office received a letter from Dean Cheley, Esq. of the law firm of Donaldson & Callif, written in response to Ms. Pietrini's letter of June 27, 2012 and on behalf of Plaintiff. Mr. Cheley's office is located in Beverly Hills, California.

4. Ms. Pietrini and Mr. Cheley exchanged correspondences on behalf of their respective clients debating the merits of their respective positions and discussing terms of potential settlement. Ms. Pietrini, on behalf of Summit, sent letters to Mr. Cheley regarding this matter on July 24, 2012, October 30, 2012, January 15, 2013, February 27, 2013, April 18, 2013, and May 15, 2013. Mr. Cheley, on behalf of Plaintiff, sent letters to Ms. Pietrini regarding this matter on July 12, 2012, October 11, 2012, March 6, 2013, and May 7, 2013.

5. On December 20, 2012, Ms. Pietrini, her colleague Susan Hwang, David Friedman, Executive Vice President of Lions Gate Entertainment Inc., and Mona Metwalli, Legal/Licensing Consultant for Lions Gate Entertainment Inc., convened with Mr. Cheley at Donaldson & Callif's Beverly Hills office for a screening of Plaintiff's Motion Picture.

6. On information and belief, Gravitas Ventures, LLC has its principal place of business in El Segundo, California. Attached hereto as **Exhibit A** are true and correct printouts from <<www.inc.com>> and the California Secretary of State's website reflecting an El Segundo address for Gravitas Ventures.

7. On information and belief, American Entertainment Insurance has its principal place of business in Hollywood, California. Attached hereto as **Exhibit B** is a true and correct printout from <<www.americanentertainment.com>> reflecting an address in Hollywood, California for American Entertainment Insurance.

8. On information and belief, Chubb Insurance (“Chubb”) is headquartered in Warren, New Jersey. Further, on information and belief, Chubb has an office in Los Angeles, California. Attached hereto as **Exhibit C** are true and correct printouts from <<www.google.com>> and <<www.chubb.com>> reflecting Chubb’s maintenance of an office at 555 S. Flower Street, Los Angeles, CA 90017.

9. 20th Century Fox is located at 10201 West Pico Blvd., Los Angeles, California 90064.

10. Below is a chart setting forth the names and places of business of the foregoing entities, as well their respective alleged knowledge of facts related to Plaintiff’s claims as alleged in the Complaint:

Witness Name	Relevant Knowledge	Place of Business
Donaldson & Callif	Plaintiff’s counsel prior the initiation of this matter that also provided Plaintiff with a “fair use legal opinion” as to Plaintiff’s Motion Picture (Complaint ¶¶ 242-247)	Beverly Hills, California
Gravitas Ventures, LLC	Prospective distributor of Plaintiff’s Motion Picture (Complaint ¶¶ 215-231)	El Segundo, California
American Entertainment Insurance	Plaintiff’s broker for E&O insurance (Complaint ¶¶ 232-241)	Hollywood, California
Chubb Insurance	Carrier that allegedly declined coverage for Plaintiff’s Motion Picture allegedly after reviewing Summit’s cease and deist letter and the opinion of its “independent clearance counsel” (Complaint ¶¶ 254-255)	Warren, New Jersey; also maintains an office in Los Angeles, California
20th Century Fox	Studio that released the motion picture <i>Vampires</i>	Los Angeles, California

	<i>Suck</i> (Complaint ¶¶ 130-145)	
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11. Attached hereto as **Exhibit D** is a true and correct printout of Table T-3 from the Judicial Business of the United States Courts, Annual Report of the Director (2012). According to these reports and during the time period of October 1, 2011 to September 30, 2012, the median time intervals from filing to trial in the Central District of California and the Southern District of New York were 19.2 months and 27.2 months, respectively.

I hereby declare under the penalty of perjury that the foregoing statements are true and correct. Executed in New York, New York on this 28th day of June, 2013.



Paul A. Bost

SMRH:409261792.1